

**PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL COMMISSION CHAMBERS – 1ST FLOOR
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
THURSDAY, JANUARY 22, 2009 – 6:30 P.M.**

Cumulative

Board Members	Attendance	June 2008-May 2009	
		Present	Absent
Catherine Maus, Chair	P	8	0
Rochelle Golub (arr. 6:33)	P	8	0
Mary Graham	P	8	0
Tom Welch, Vice Chair	A	6	2
Maria Freeman	A	6	2
Fred Stresau	P	7	1
Patrick McTigue	P	8	0
Mike Moskowitz	P	4	0

Staff

Greg Brewton, Director of Planning and Zoning
Yvonne Redding, Planner II
Thomas Lodge, Planner II
Ella Parker, Planner III
Dennis Girisgen, Public Works
Sharon Miller, Assistant City Attorney
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

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	<u>Case Number</u>	<u>Applicant</u>
1.	17-Z-08	Tango Lakes LLC / Imagine Charter School
2.	18-Z-08	1100 West Sunrise, LLC
3.	90-R-08	Starwood Asset Management / Yankee Clipper
4.	99-R-06	Fort Lauderdale Boat Club, LTD. / Fort Lauderdale Boat Club
5.	96-R-08	Dan Lockhart / Westport Ship Yard
6.	For the Good of the City	

Call to Order

Chair Maus called the meeting to order at 6:31 p.m. Roll was called and all stood for the Pledge of Allegiance.

Chair Maus introduced the members of the Board, and Director Brewton introduced the City Staff in attendance. Assistant City Attorney Miller explained the quasi-judicial process used by the Board.

Ms. Golub joined the meeting at this time (6:33 p.m.).

Chair Maus confirmed that the Applicant of Item 1 had requested a deferral until the March 2009 Board meeting. As the Board had no objections, this deferral was granted.

Motion made by Mr. Stresau, seconded by Ms. Graham, to approve the minutes of the December 17, 2008 meeting.

Chair Maus noted that the Board's next scheduled meeting will be on February 18, 2009.

2. 1100 West Sunrise, LLC

Thomas Lodge

18-Z-08

Request: ** *

Rezone from B-1 to B-3

Legal Description:

(First Floor Legal Description)

A portion of Lots 5, 6, 43, and 44, Block 197 PROGRESSO, according to the Plat thereof, recorded in Plat Book 2, Page 18, of the Public Records of Dade County, Florida, more fully described as follows: Commencing at the Southwest corner of said Lot 43; thence South 89 degrees 58'30" East, on the South line of said Lot 43, a distance of 30.00 feet to a point on the West face of an existing concrete tiltwall Building and to the Point of Beginning; thence continuing South 89 degrees 58'30" East, on the South line of said Lots 23 and 6, a distance of 210.00 feet; thence North 00 degrees 0'0" East, on the East face of said concrete tiltwall Building, a distance of 28.59 feet; thence North 90 degrees 00'00" West, on a line 50.00 feet South of and parallel to with the North face of said concrete tiltwall Building, a distance of 210.00 feet; thence South 00 degrees 00'00" East, on the said West face of concrete tiltwall building, a distance of 28.50 feet to the Point of Beginning.

Said lands situate, lying and being in the City of Fort Lauderdale, Broward County, Florida and containing 5995 square feet or 0.1376 acres more or less.

The Upper Vertical Limits of this First Floor Description is elevation 24.5 (NGVD 29).

TOGETHER WITH:

(Second Floor Legal Description)

A portion of Lots 3, 4, 5, 6, 43, 44, 45, and 46, Block 197 PROGRESSO, according to the plat thereof, recorded in Plat Book 2, Page 18, of the Public Records of Dade County, Florida, more fully described as follows: Commencing at the Southwest corner of said Lot 43; thence South 89 degrees 58'30" East, on the South line of said Lot 43, a distance of 30.00 feet to a point on the West face of an existing concrete tiltwall Building and to the Point of Beginning; thence continuing South 89 degrees 58'30" East, on the South line of said Lots 43 and 6, a distance of 210.00 feet; thence North 00 degrees 00'00" East, on the East face of said concrete tiltwall Building, a distance of 78.59 feet; thence North 90 degrees 00'00" West, on the North face of said concrete tiltwall Building, a distance of 210.00 feet; thence South 00 degrees 00'00" East, on the said West face of concrete tiltwall Building, a distance of 78.50 feet to the Point of Beginning.

Said lands situate, lying and being in the City of Fort Lauderdale, Broward County, Florida and containing 16,495 square feet or 0.3787 acres more or less.

The Lowest Vertical Limits of this Second Floor Description is elevation 24.5 (NGVD 29) and the Upper Vertical Limits of this description is elevation 37.0 (NGVD 29).

Disclosures were made, and any members of the public wishing to speak on this Item were sworn in.

Ali Waldman, representing the Applicant, showed a site map of the property and described it as split-zoned, with the back portion being zoned B-3 and the front portion zoned B-1. The properties lying to the West and South of the property before the Board are zoned B-3, and the property to the East is also split-zoned B-1 and B-3.

The site is fully developed, with a large warehouse building and commercial frontage constructed in 1984, and includes 73 parking spaces. The building abuts no residential neighborhoods.

The building is approximately 93,924 sq. ft. in size, Ms. Waldman continued. The application before the Board seeks to rezone the front part of the building, presently zoned B-1, and fronting onto Sunrise. She showed a rendering of the building, explaining that one area of the first floor would remain B-1; another area of approximately 5995 sq. ft.; and an area of the second floor, approximately 16,495 sq. ft. These areas, she stated, are the subject of the application.

Ms. Waldman showed a rendering of what the building would look like, should the rezoning request be granted.

She pointed out that the existing building is configured for warehouse or storage use, and is not conducive to the uses listed in the B-1 zoning District. There are currently four bays in that area, of approximately 10,000 sq. ft. in size, which make it difficult to attract retail users. The owner plans to reconfigure the retail space fronting onto Sunrise by creating eight bays that are approximately 1000 sq. ft. in size. This change would create more marketable and viable retail space.

She added that the rezoning application would increase the property's value from \$3,172,180 to approximately \$6.8 million. Ms. Waldman noted that this would increase the City's tax base, as well as the Community Reinvestment Act (CRA) and Tax Increment Financing (TIF) funds.

The site currently has one parking space for every 728 sq. ft., Ms. Waldman continued. B-1 retail users require one space per 250 sq. ft. She noted that there is a parking deficiency under current conditions, but when the property is rezoned, the parking deficiency would be resolved, and 63 spaces will be provided. Ten spaces will be lost, as the owner plans to bring the building up to Code in terms of landscaping, lighting, and parking.

She described the benefits of rezoning as an increase to the City's tax base, creation of marketable retail space, correction of the parking deficiency, improving the building's exterior, and bringing the site to compliance with Code.

Ms. Waldman showed a rendering of the prospective finished building, pointing out that should a retail user require more space, walls could be broken down to meet this need.

She stated that the Applicant has met with Mt. Bethel Ministries, which is located directly behind the property in question. The church is also zoned B-3. Issues

with the ministry regarding the property have been resolved, Ms. Waldman advised, and the church has provided the City with a letter of support for the Applicant's request.

Ms. Waldman noted that there are three criteria for rezoning: the District proposed is consistent with the City's Comprehensive Plan; substantial changes in the character or development of the area supports rezoning; and the character of the area proposed is suitable for the uses that would be permitted in the proposed zoning District, and is compatible with surrounding Districts and uses. She informed the Board that the Application meets all criteria, noting that while there has been no substantial change in the character of the area, there are new developments arising close by and the area is "ripe for change."

Exterior upgrades and architectural enhancements will be constructed for the property.

Thomas Lodge, Planner, stated that the property has a future land use designation of Northwest Regional Activity Center. He described its split zoning once again, noting that the proposed District is consistent with the City's Comprehensive Plan and self-storage facilities are permitted in this area.

As there were no questions from the Board at this time, Chair Maus opened the public hearing.

There being no members of the public wishing to speak on this item, Chair Maus closed the public hearing and brought the discussion back to the Board.

Ms. Graham asked if the site's various zonings had occurred over the years, as well as if such split zoning was "typical over the years." Ms. Waldman advised that the property was originally split-zoned to preserve retail uses fronting onto Sunrise.

Ms. Graham requested clarification on the number and dimension of the spaces. Ms. Waldman explained that the building will be internally reconfigured, with self-storage taking up the balance of its unusable area. She added that it has been difficult to lease 10,000 sq. ft. spaces to small businesses, such as restaurants or retail space. It was also noted that the architect for the site had made provisions for the lack of rear exits, as the space is not sufficiently deep to require them.

Mr. Moskowitz asked Ms. Waldman how the proposed rezoning would "reduce demand" for adequacy requirements, such as potable and waste water. She asserted that because the majority of the area inside the building would be self-storage, these services would not be necessary. She added that as self-storage

facilities are rarely visited, parking requirements and the traffic burden are both reduced as well.

Mr. Moskowitz referred to the ULDR for self-storage facilities, pointing out that when such a lot abuts a street, there must be a minimum 20 ft. yard between the property line abutting the street and the storage structure itself. He requested that this 20-ft. space be shown on the renderings.

Jeff Faulkenger, architect for the project, asserted that the setback on all sides exceeds 20 ft. The approximate length from Sunrise to the storage facility is 75 ft.

Mr. Moskowitz asked why B-3 would be preferred for the largest part of the structure but a "small sliver" of B-1 zoning would be retained. Ms. Waldman explained that this was the result of meetings with the City, which wished to preserve the Sunrise frontage on the first floor as retail space.

Mr. Stresau asked if a second floor, but not the entire building, had ever appeared before the Board for rezoning prior to now. Director Brewton stated that in his 30 years of experience, this was the first time such a request had been made. He pointed out that the Applicant had met with Staff and the partial rezoning was the result of a compromise intended to retain retail uses on Sunrise.

Mr. Stresau then asked if the rezoning was legally permissible. Assistant City Attorney Miller responded that there was "not a legal prohibition" to granting the request.

Ms. Golub asked what might be built on this site, should the property be sold and the current building no longer existed. She asked if the lots' limited zoning would be of importance. Director Brewton advised that rebuilding would require the same structures as were currently on the site, with B-1 on the bottom floor and B-3 on the second floor.

Motion to approve rezoning from B-1 to B-3 made by Mr. Stresau and seconded by Ms. Graham. In a roll call vote, the **motion** carried unanimously.

3. Starwood Asset Management / Thomas Lodge 90-R-08
Yankee Clipper

Request: **

**Site Plan Level III / Parking Reduction /
RMH-60**

Legal Description: All of Parcel "X," HARBOUR BEACH RESUBDIVISION OF A PORTION OF UNIT 1, according to the plat thereof as recorded in P.B. 26, P.32, of the Public Records of Broward County, Florida.

Address 1140 Seabreeze Boulevard

General Location East side of Seabreeze Boulevard south of Bahia Mar and North of Harbor Beach Parkway

Disclosures were made, and any members of the public wishing to speak on this item were sworn in.

Debbie Orshefsky, representing the Applicant, provided the Board with booklets depicting renderings of the property.

She stated that the request is for Site Plan Level III with a Parking Reduction, which, she advised, will return the appearance of the property to the way it looked in 1950, "with sprucing and modernization." She drew the Board's attention to a graphic of the property's current condition, which she described as a hotel that appeared "tired" due to modifications made in the 1980s and 1990s. These had detracted from its 1950s appearance, which made the property resemble a boat.

She continued that Starwood Asset Management had purchased the property some years ago and are also making changes to a "sister hotel" to this one. The Yankee Clipper will become a "21st Century Sheraton," with its exterior modified to return a historic quality to the building. The interior will also be upgraded and renovated, and its public spaces reworked.

The return to the hotel's 1950s character will include reestablishment of a crow's nest, as well as window shakers along Seabreeze. Due to the size of the rooms, all balconies cannot be reestablished; however, faux balconies have been incorporated along the A1A side. On the ocean side, the interior space is being reworked to reconstruct the balconies. An existing restaurant on the property will be modernized as well.

Architects also plan to add a porte-cochere at a low level, which is a departure from the 1950s character of the property. Ms. Orshefsky noted that this feature cannot be reestablished as it previously existed while maintaining safe access to the site. The grill area at the pool will be shut down, fully permitted, and reestablished as the pool and patio are reconfigured.

By the time of the 2010 Super Bowl, she continued, the Yankee Clipper will be the official headquarters for the media. This means the property has a limited amount of time in which to accomplish a good deal of work. Ms. Orshefsky noted that the Applicant plans to file for permits very soon. She also emphasized that the hotel will remain a Sheraton, at a slightly higher price point than at present.

The parking reduction request has a history related to an agreement for offsite parking in the 1970s, she allowed; this means that along with the 700 spaces required, the interior modifications necessitate the addition of 19 spaces. Ms. Orshefsky stated that the Applicant had worked closely with Staff and with consultants, and had conducted an analysis of the parking demand at the site, monitoring its "highest peak number" of parking spaces. The analysis showed that there are 53 more existing spaces than are needed to serve the site's peak population, which is higher than the 19 additional spaces required by regulations. Ms. Orshefsky stated that City Staff supports the parking reduction, as does the South Beach Alliance, with whom the Applicant has discussed the issue. A letter from that organization is included for the Board's perusal, she noted.

She asked that the Board approve the reduction "with the understanding that it has worked for the past 50 years."

Mr. Lodge informed the Board that the Yankee Clipper building will renovate its rooms, public spaces, bar, and part of its restaurant, which will result in the addition of 19 parking spaces. He described the original reduction, due to a valet parking agreement, as allowing 430 spaces instead of the original 722. The hotel's renovation would require 741 spaces, with 429 spaces to be provided, a difference of 312 spaces. The existing difference of 292 spaces and the new difference of 312 amount to a total difference of 20 spaces.

He reiterated that the Applicant's parking study concludes that the maximum parking demand for the proposed renovation of the hotel expects 376 spaces to be needed during the peak period, which would be a surplus of 53 spaces. The City's traffic consultant and its Engineering Department have recommended approval of this study.

As there were no questions from the Board at this time, Chair Maus opened the public hearing.

There being no members of the public wishing to speak on this item, Chair Maus closed the public hearing and brought the discussion back to the Board.

Chair Maus stated that she drives by the property regularly on weekends and feels that the loading, unloading, arrivals, and departures can approach a "nuisance level" in terms of cars on the road. She asked if any part of the plan will alleviate this issue.

Ms. Orshefsky explained that the proposed reduction addresses a fundamental problem, which is that buses, trucks, and shuttles are currently not allowed to unload on the property, but must unload on A1A. This is due to the low height of the existing porte-cochere, which does not allow sufficient clearance for vehicles of this size. The upgrade to this feature will raise its height 24 to 36 inches, which will allow these vehicles to enter the property.

She added that if more valets are needed, they will be engaged for the property; however, this structural change to the site is believed to address the problem.

Ms. Graham felt that this set an unwanted precedent for parking reductions, and asked if perhaps Code should instead allow a special category for properties along the beach. She recalled that there have been several such hotel properties on A1A who have requested reductions in her time on the Board, and felt instead there should be a provision in Code for beach hotel properties. She also expressed concern with parking on both sides of A1A and entering traffic to cross the highway. She noted that in the past the Board had approved such reductions, but did not wish these decisions to seem "arbitrary and capricious," and suggested that a change to Code was the better response.

Director Brewton explained that the process to changing Code involved a formal submission to the City Commission. He also pointed out that a Central Beach Master Plan is to be unveiled before both the public and the City Commission, although he did not know if parking issues were specifically addressed by the Plan.

He did not know if there was sufficient evidence to warrant changing Code specifically for the beach area, and noted that any such change would require justification for singling out beach hotel use, as Ms. Graham suggested.

Mr. Stresau noted that in the comparison of required parking spaces, 13 of the 19 spaces in question were in the hotel's customer service area. He asked for an explanation of the changes expected to occur in this area that would free up so many spaces. Ms. Orshefsky pointed out that this is the result of the reconfiguration of the hotel's restaurant area.

Mr. Stresau clarified that the change is therefore not created by the room renovations, but by the change in the hotel's amenities. Ms. Orshefsky agreed

with this summation, stating that the room count actually decreases by approximately 25 rooms.

Chair Maus added that the explanation of the change to the porte-cochere addressed her concern regarding large vehicles in the area.

Ms. Golub asked what dates were used to arrive at the Thursday and Saturday counts in the parking study. John McWilliams, consultant, replied that Thursday, August 21, and Saturday, August 23 were the dates used in the study.

Ms. Golub asked if August was considered a "fair month" in which to evaluate parking for a beach hotel. Mr. McWilliams allowed that it was in fact atypical, and the study had adjusted for the occupancy rate at that time. He referred to Attachment C of the parking study, which listed historical occupancy by month for three years. He pointed out that peak occupancy for the hotel occurs in March, according to the last three years of data.

Ms. Golub asked why, in that case, August was chosen, as it marked the beginning of a slower season. Mr. McWilliams responded that this month happened to be the time at which the application was being prepared, and referred to the adjustment factor of 1.24 used for that month, which he said brought the demand more closely in line with the peak season.

Ms. Golub requested a similar explanation of the excess spaces. Mr. McWilliams stated that this calculation also accounts for the adjustment to the peak month. He described the study as follows: hourly counts were taken on Thursday and Saturday from 6:00-11:00 a.m., including all five lots. The maximum number on either day was adjusted for peak occupancy.

He referred to p.3 of his letter dated December 9, 2008, part of Attachment A, which showed that existing restaurant use required 169 parking spaces. Guest parking was adjusted to account for peak occupancy, and employee parking was adjusted for the seasonal factor. The study thus arrived at a number accounting for the peak season for the site with all its present uses. Next, the Code-required parking for all non-hotel room uses is subtracted from this parking count. The resulting number is then divided by the current number of rooms in the hotel. This is .27 per room per night. Mr. McWilliams reminded the Board that the non-hotel room uses were then added back into the equation, which brings the number to 376.

Ms. Orshefsky offered a further clarification of why the site works with the parking reduction, stating that only 38% of hotel guests arrive by individual vehicle. She reminded the Board as well that even during the peak season, it is rare for any

hotel to reach 100% occupancy. She noted that the site has operated successfully from the 1950s to the present day with its current amount of parking.

Mr. Stresau felt the "bottom line" of the discussion was the agreement of the City's consultant with the study's findings. He then made a **motion** to approve the application.

Ms. Golub pointed out that while Staff had agreed with the report, there was no mention that the Planning Commission agreed as well. Mr. Lodge explained that Staff would accept the position of the City's consultant and Engineering Department rather than making its own recommendation.

Motion made by Mr. Stresau, seconded by Mr. Moskowitz, to approve the application for Site Plan Level III with Parking Reduction, subject to Staff conditions. In a roll call vote, the **motion** carried 5-1 (Ms. Golub dissenting).

4. **Fort Lauderdale Boat Club, LTD /** Ella Parker 99-R-06
Fort Lauderdale Boat Club

Request: **	Request to Extend Site Plan Approval for Previously Approved Site Plan Level III / Conditional Use / Waterway Use / I
Legal Description:	Lots 1 and 2, Block 9, Bricknell's Subdivision, of Section 17, Township 50 South, Range 42 East, according to the amended plat thereof recorded in P.B. 1, P. 72, of the Public Records of Dade County, Florida, less right-of-way for the Seaboard System Railroad
Address:	1915 SW 21 Avenue
General Location:	West of I-95, East of SW 22 Avenue, South of Flamingo Park, North of South Fork of New River

Disclosures were made, and any members of the public wishing to speak on this item were sworn in. Mr. Stresau advised that he would abstain from voting on this item, as well as on Item 5.

Howard Nelson, on behalf of the Applicant, explained that this request was for an extension of time. He stated that there have been no changes to the plans for the Fort Lauderdale Boat Club since the site appeared before the Board in October 2007; since that time, however, he advised that changes in the credit market

have required the Applicant to make "a series of substantial new obligations" in reporting to its lenders in order to move forward on the project. This has delayed development of the design engineering and operational plans for the site, and the Applicant is requesting an 18-month extension from the build-out date.

Ella Parker, Planner, informed the Board that Planning and Zoning had approved a conditional waterway use for development of a marina on the proposed site on October 17, 2007. The case was subject to a 30-day City Commission Request for Review period, which expired on November 17, 2007. The Applicant is seeking an 18-month extension to extend the deadline to apply for a building permit from the date of May 17, 2009 to the date of November 17, 2010, and for issuance of the building permit by May 17, 2011.

Should the Board approve the extension, she continued, all previous conditions of approval apply. Ms. Parker clarified that the Applicant will construct a 6 ft. wall prior to the beginning of construction. At this time the Applicant will also dedicate the easements at the Western edge of the property, either through abandonment or issuance of releases.

As there were no questions from the Board at this time, Chair Maus opened the public hearing.

Mike Resta, southernmost neighbor to the property, stated that the main issue for him was construction of a perimeter wall separating the commercial property from the residential property. He stressed that neighbors would like to see this wall erected not only prior to construction but prior to demolition of the old building as well.

Chair Maus requested clarification as to whether the Applicant was allowed to demolish the old building during the extension period. Director Brewton asserted that the Applicant may obtain a demolition permit at any time; however, he felt the question of whether or not this would be done was more appropriately directed to the Applicant.

Chair Maus asked Mr. Resta if he wished to see the permanent wall constructed or if fencing and screening would be sufficient before demolition. Mr. Resta replied that he had understood there would be no commercial activity on a residential property, explaining that an access road actually stood on a homeowner's property. The wall in question would separate these two properties, he stated, and added that should the wall go up before any further construction ensued, followed by the removal of the access road, he would have no issue.

Mr. Nelson responded that a temporary screen was the solution discussed with Staff during parts of the demolition, as some of the buildings to be demolished sit directly on the property line, where the permanent wall is to be built. Screening would go between the existing wall and where the permanent wall will go, he concluded, and the permanent wall would be erected once the building was down.

The City has asked the Applicant to demolish "one small area" prior to the next hurricane season, he added; as this is an interior part of the site, demolition is not expected to affect any neighbors.

Mr. Resta noted that the south end of the property is where the marina's clubhouse facility is planned, which he and other neighbors "vehemently oppose," as it is a three-story condominium-like structure. Boat owners and their guests would be able to use these facilities.

Chair Maus pointed out that the Board could only rule on the site plan extension before them, although she recalled a lengthy discussion about the property at an earlier meeting. She advised that Staff can meet with residents regarding conditions placed on the site.

Mr. Resta added that his most recent view of site plans showed a wall behind his home labeled "existing wall." He wished to ensure that the existing wall stayed in place. Mr. Nelson assured Mr. Resta and the Board that the wall will remain.

Frank Bryant, neighbor to the property, reminded the Board of the Applicant's previous appearances before them regarding the site, noting that the first application was rejected before a modified plan was approved in October 2007. He asserted that construction of a wall between the site and residential property prior to construction was intended to keep any dirt and debris on the commercial property; furthermore, Mr. Bryant noted that no property on the residential side of the wall would be used for construction or demolition purposes. The only traffic on the access road, he pointed out, goes to and from the proposed site.

He continued that the property owners on the residential side had allowed the road to be made so the marina could access pump island facilities. Furthermore, he stated that the road had not been intended for any construction purposes. He also pointed out that in the minutes of the October 2007 meeting, it is made clear that any wall must be erected prior to construction.

Ms. Parker agreed that this clarification appeared in the October 2007 minutes, and the condition was that the wall must go up prior to construction.

Mr. Nelson affirmed that the Applicant has never wavered from the obligation of building the wall. At issue, he noted, was whether the permanent wall was in place prior to demolition of the on-site buildings, which sit at the property line, where the wall would be located.

At Chair Maus's request, Ms. Parker clarified that the wall will go up prior to construction. Mr. Nelson reiterated that the wall cannot go up before the building is demolished.

Mr. Bryant felt the reason for the wall was to prevent debris, such as that created by demolition. He did not recall hearing the mention of a screen at previous meetings, nor seeing it included in previous minutes.

Chair Maus explained that the City has standing regulations regarding construction mitigation, which she suggested apply in this case. These regulations require applicants to do everything within their power to mitigate dust and debris, including a screening requirement.

Ms. Parker read from the October 2007 minutes: "...to approve with the following conditions by Staff and by the Board: the Applicant will erect a six-foot wall prior to construction." She also confirmed that the construction mitigation guidelines noted above apply in this case.

Mr. Bryant did not feel this was the original intent of the condition. Chair Maus suggested that the Applicant provide Mr. Bryant's neighborhood association with a contact name during the construction period, should he have further concerns regarding the process.

Mr. Bryant stated that the wall was intended to separate the project from the single-family residences. He added that his interpretation was that no trucks or equipment would use the access road during construction as well.

Chair Maus asked the Applicant if their intent was to continue using the road. Mr. Nelson stated that the road will not be used during construction, and that the current plan is to construct a screening fence on the Applicant's side of the easement. He affirmed that the Applicant does not intend to continue using the road.

Ms. Graham referred to a drawing in the information packet that showed a 20 ft. wide vehicular easement, described as "for to and fro only," and a group of buildings 5 ft. east of the property line. She felt a mesh fence would be required of any property owner with insurance; furthermore, she noted that high-rise buildings could be demolished without undue debris to nearby property.

Mr. Bryant described his property as "in the center" of the shared property line, which is 4.5 ft. from the building to be demolished. He felt this gave the Applicant sufficient room to demolish the building with a wall on the property line, and suggested it was "totally false" to suggest the wall could not be erected prior to demolition.

Ms. Graham informed Mr. Bryant that she agreed with his assessment, but could not dictate the Applicant's methods of demolition. She reiterated that she did not see how the contractor could remove the asphalt on the shared road unless it was done before the buildings were demolished; however, she pointed out that no further conditions could be added at this time, and the conditions in place upon original approval applied.

Mr. Bryant stated again that he felt construction of the wall prior to demolition was a condition. Ms. Graham responded that she had shared this interpretation, and was mistaken as well.

Mr. Moskowitz commented that a "yes" vote today would give the Applicant an additional 18 months before they could purchase a building permit; a "no" vote, however, would bring the Applicant back before the Board for another site plan approval.

Director Brewton clarified that should the Applicant fail to gain the Board's approval, the case would go on appeal before the City Commission.

Ms. Golub asked why a further 2 ½ year delay was expected from the original deadline of May 2009, remarking that it seems like a very long time.

Director Brewton suggested that the Applicant could still come in ahead of the new time frame, but they were asking for the extension in case more time was needed.

Ms. Golub redirected her question to the Applicant, and asked if the extension was for "padding" of the time frame, or if they could provide a reason that so much more time was needed. She asked if the Applicant might reappear before the Board again at a later date and request still more time.

Mr. Nelson stated that the Applicant did not wish to appear before the Board more times than were necessary. He advised that the original date of May 2009 might not be impossible for the Applicant to meet, but felt it would be "very tough" for them to achieve that goal. The 18-month time frame, he stated, was one with

which he had some comfort that the Applicant would not need to appear before the Board again.

Ms. Golub expressed concern that the extension would "tie up" the property with the present plans for another 2 ½ years, when the property had originally come before the Board in 2007.

Mr. Nelson pointed out that the Applicant realized he would not be able to "get through his obligation" with the current state of the lending market. Another aspect contributing to the longer time frame is the Applicant's obligation to file prior to the expiration date; he informed the Board that the Applicant was very surprised when the requested extension came before the Board within only five weeks of their filing to appear. Mr. Nelson affirmed that they had expected to appear before the Board "much closer to May."

Liz Forder, private citizen, stated that she owns the property next to where the boathouse will be located and would like to build on it. She asked the Board what might be an impediment to her developing the property where the easement for the road was located.

Chair Maus stated that she had not seen the easement in question, and homeowners with questions about that document would need to refer to it.

Ms. Graham asked Ms. Forder how far from the south end her property was located, as well as whether there was a wall between her yard and the road in question. Ms. Forder responded that her property was second from the south end, and that a wooden fence separated her yard from the road.

Ms. Graham asked if the road, labeled "20 ft. easement," was supposed to belong to the property owners. Ms. Forder replied that the property belongs to the owners, but the easement has "always" been there.

Chair Maus recommended that a property owner with questions regarding the easement would be best served by asking an attorney to examine the documents.

There being no further members of the public wishing to speak on this item, Chair Maus closed the public hearing and brought the discussion back to the Board.

Motion made by Ms. Graham, seconded by Mr. Moskowitz, to approve the request for extension. In a roll call vote, the **motion** carried 5-2 (Ms. Graham, Mr.

McTigue dissenting). Mr. Stresau abstained . A memorandum of voting conflict is attached to these minutes.

5. Dan Lockhart / Westport Ship Yard Yvonne Redding 96-R-08

**Request: ** Site Plan Level III / Conditional Use Permit /
Waterway Use / B-3 / Industrial Land Use**

Legal Description: Portion of Parcel "A" and "B," in H. V. Plat, according to P.B.85, P.27, of the Public Records of Broward County, Florida

Address: 2957 State Road 84

General Location: North of State Road 84 and West of Secret Woods Nature Center

Disclosures were made, and any members of the public wishing to speak on this item were sworn in.

Michael Madfis, project architect, stated that the Applicant wished to make minor changes to a previously approved project, the Westport Ship Yard. The project's contractor had identified conditions that made it difficult to build on the site: the amount of property that the Applicant had to work with was "very tight," and a septic system must be added to the site as a sewer was not available. He described the changes as bringing in utilities from another side of the property than was originally planned, as well as adding square footage and fire sprinklers to a second level.

Several divisions of the City had needed to look at the project's modifications, although the adjustments themselves were minor, Mr. Madfis explained. The building was moved back a few feet, and a dumpster had been turned around for easier access. These changes had prompted the Applicant to go through the DRC process again, and come before the Board again for final approval.

Yvonne Redding, Planner, stated that the Applicant wishes to make minor changes to the site; while these would normally come before Administrative Review, the height increase did not allow this process to proceed without coming before the Board.

She added that the request is for conditional use, pointing out that the building's "footprint" remained largely the same. The previously planned mezzanine area had needed a change in its height in order to turn it into habitable space. This

change required an increase of two parking spaces, which are provided on the site. The original conditions as of April 2008 still apply, Ms. Redding noted, and the docks and piers are under separate review.

Chair Maus asked if any of the added habitable space was balcony or outdoor space. Mr. Madfis replied that the space is within a fully enclosed building. He described the building as a brokerage office selling luxury yachts, noting that the office and the customer service area were fully enclosed and very "low-key."

As there were no questions from the Board at this time, Chair Maus opened the public hearing.

There being no members of the public wishing to speak on this item, Chair Maus closed the public hearing and brought the discussion back to the Board.

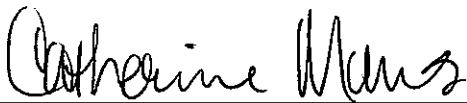
Motion made by Ms. Golub, seconded by Mr. McTigue, to approve the request for Site Plan Level III. In a roll call vote, the **motion** carried 5-0. Mr. Stresau abstained. A memorandum of voting conflict is attached to these minutes.

6. For the Good of the City

Chair Maus stated that Mr. Stresau has a continuing concern regarding the time at which he receives his information packet. He has noted that receiving the packet on a Friday afternoon does not allow him sufficient time to visit the sites or organize in any other manner.

Director Brewton apologized for this inconvenience, and acknowledged that on occasion, items to be included in the packet are not ready to be sent out at an earlier time. While Planning and Zoning attempts to send out these packets on the Wednesdays prior to a meeting, he regretted that there are occasions on which this is a problem. He affirmed that the Department will attempt to send the packages earlier.

There being no further business to come before the Board at this time, the meeting was adjourned at 8:11 p.m.



Chair



Prototype

[Minutes prepared by K. McGuire, Prototype, Inc.]